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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

PEARCE 26

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on November 27, 2006

Signature /Elizabeth Schumacher/

Typed or printed Elizabeth Schumacher  
name

Application Number

09/755,826

Filed

January 4, 2001

First Named Inventor

Charles W. Pearce

Art Unit

2813

Examiner

Jack SJ Chen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record. 44995  
Registration number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34



Signature  
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(972) 480-8800

Telephone number

November 27, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles W. Pearce

Serial No.: 09/755,826

Filed: January 4, 2001

Title: A METHOD OF MANUFACTURING A LATERALLY DIFFUSED METAL OXIDE SEMICONDUCTOR DEVICE

Grp./A.U.: 2813

Examiner: Jack SJ Chen Confirmation No.: 5388

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Elizabeth Schumacher/  
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Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The Applicant has carefully considered this application in connection with the Examiner's Final Rejection mailed July 25, 2006, and respectfully requests a pre-appeal brief review of this application in view of the following remarks.

**REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-20 in the application. Presently, the Applicant has neither amended, canceled nor added any claims. Accordingly, Claims 1-20 are currently pending in the application.

**I. Rejection of Claims 1-8, 10-18 and 20 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-8, 10-18 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,841,166 to D'Anna, *et al.* ("D'Anna"). Independent Claims 1 and 11 currently include the element of forming a lightly-doped source/drain region with only a first dopant, the light-doped source/drain region being formed between first and second isolation structures. D'Anna fails to disclose this element.

D'Anna is directed to a lateral DMOS transistor for RF/microwave applications. (Title). D'Anna teaches that an N-drift region **46** (e.g., what the Examiner believes is a lightly-doped source/drain region) is formed within a P-epi layer **42**. D'Anna then teaches that an active area mask is formed to define where the field oxides **52** will be present, and that the field oxides **52** are then grown to a thickness of 0.5 to 3 microns. (See, D'Anna at column 2, lines 55-65). Accordingly, D'Anna teaches first forming its N-drift region **46** and then forming its field oxides **52**, wherein Claims 1 and 11 currently require forming a lightly-doped source/drain region with only a first dopant, the light-doped source/drain region being formed between first and second isolation structures. Thus, D'Anna fails to disclose the element of forming lightly-doped source/drain regions between *already existing* first and second isolation structures.

The Examiner is attempting to argue that no order is implied within the pending claims. More specifically, the Examiner is attempting to argue that the language "the lightly-doped source/drain region formed between first and second isolation structures" does not imply an order. The Applicant respectfully

disagrees. Namely, for the lightly-doped source/drain region to be formed between the first and second isolation structures, the first and second isolation structures must already be present. Had the claims recited that the lightly-doped source/drain region is “located” between the first and second isolation structures, as was the claim language before being amended following the first Examiner’s Action, the Examiner’s argument would be more plausible. However, the pending claims require that the lightly-doped source/drain region be “formed” between the first and isolation structures, as opposed to “located” there between. Thus, an order is present.

Therefore, D’Anna does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 2-8, 10, 12-18 and 20 are dependent upon Claims 1 and 11, D’Anna also cannot be an anticipating reference for Claims 2-8, 10, 12-18 and 20. The Applicant therefore respectfully requests the Review Panel to withdraw the rejection.

## **II. Rejection of Claims 1-3 and 11-13 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-3 and 11-13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,918,026 to Kosiak, *et al.* (“Kosiak”). Independent Claims 1 and 11 currently include the element of forming a lightly-doped source/drain region with only a first dopant, the light-doped source/drain region being formed between first and second isolation structures. Kosiak fails to disclose this element.

Kosiak is directed to a process for forming vertical bipolar transistor and high voltage CMOS in a single integrated circuit chip. (Title). Kosiak teaches that lightly doped n-type wells 114, 214, and 314 are formed within a substrate 12. (See, Kosiak at column 4, lines 39-45, and the associated FIG. 2B). Kosiak then teaches that many other processing steps are performed before forming field oxide regions 50, 120, 220, 320, and 322 to isolate various different features of the monocrystalline silicon chip 10. (See,

Kosiak at column 5, lines 40-55, and the associated FIG. 2E). Accordingly, Kosiak teaches first forming its lightly doped n-type wells **114**, **214**, and **314** and then forming its field oxide regions **50**, **120**, **220**, **320**, and **322**, wherein Claims 1 and 11 currently require forming its lightly-doped source/drain region between first and second isolation structures. Thus, Kosiak fails to disclose the element of forming lightly-doped source/drain regions between already existing first and second isolation structures. As previously indicated, this order is present in the independent Claims.

Therefore, Kosiak does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 2-3 and 12-13 are dependent upon Claims 1 and 11, Kosiak also cannot be an anticipating reference for Claims 2-3 and 12-13. The Applicant therefore respectfully requests the Review Panel to withdraw the rejection.

### **III. Rejection of Claims 9 and 19 under 35 U.S.C. §103**

The Examiner has rejected Claims 9 and 19 under 35 U.S.C. §103(a) as being unpatentable over D'Anna. As presented above, independent Claims 1 and 11 currently include the element of forming a lightly-doped source/drain region with only a first dopant, the light-doped source/drain region being formed between first and second isolation structures. As established above, D'Anna fails to disclose this element. D'Anna further fails to suggest this element. Among other reasons, D'Anna fails to suggest this element because D'Anna specifically requires that its field oxides **52** be formed after its N-drift region **46**. Moreover, one skilled in the art, given the detailed teachings of D'Anna, would not be motivated by the teachings of D'Anna to form its field oxides **52** prior to forming its N-drift region **46**. Therefore, D'Anna fails to both teach and suggest the claimed element of forming a lightly-doped source/drain region with only a first dopant, the light-doped source/drain region being formed between first and second isolation structures.

Thus, D'Anna fails to teach or suggest the invention recited in independent Claims 1 and 11 and their dependent claims, when considered as a whole. Accordingly, D'Anna fails to establish a prima facie case of obviousness with respect to these claims. Claims 9 and 19 are therefore not obvious in view of D'Anna.

In view of the foregoing remarks, the cited reference does not support the Examiner's rejection of Claims 9 and 19 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Review Panel to withdraw the rejection.

### **III. Conclusion**

In view of the foregoing remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-21.

The Applicant requests the Reviewers to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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Dated: November 27, 2006

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